

AN ORDINANCE

**99138**

**ESTABLISHING A "NOTICE OF PUBLIC HEARING ON LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLANS RELATING TO POSSIBLE ADOPTION OF IMPACT FEES" TO BE HELD ON JUNE 3, 2004, AT THE CITY COUNCIL CHAMBERS LOCATED ON THE FIRST FLOOR OF THE MUNICIPAL PLAZA BUILDING AT 114 WEST COMMERCE STREET AT 3:00 P.M., TO CONSIDER THE ADOPTION OF THE LAND USE ASSUMPTIONS PLAN AND CAPITAL IMPROVEMENTS PLAN RELATED TO THE POSSIBLE ADOPTION OF SAN ANTONIO WATER SYSTEM (SAWS) WASTEWATER IMPACT FEES FOR AN AREA KNOW AS THE FAR WEST; AND NOTIFYING THE PUBLIC THAT ANY MEMBER HAS THE RIGHT TO APPEAR AND PRESENT EVIDENCE FOR OR AGAINST THE PLANS.**

\* \* \* \* \*

**WHEREAS**, impact fees imposed by the San Antonio Water System ("SAWS") with the City Council's approval are a one-time charge assessed on new development to help recover capital costs associated with providing the infrastructure and other required improvements to provide water and/or sewer service to that new development, thereby relieving existing SAWS ratepayers from substantially funding capital costs associated with providing service to new development; and

**WHEREAS**, Chapter 395 of the Local Government Code establishes the requirements and process that must be followed if a municipality is to assess and collect impact fees, including: the establishment of a Capital Improvements Advisory Committee to advise on the development and implementation of impact fees; the development a Land Use Assumptions Plan that forecasts demand within the service area for a ten-year planning period; an analysis of existing capacity of water and wastewater systems; and the preparation of a capital improvements plan that determines the infrastructure necessary to serve the projected demand; and

**WHEREAS**, a group of developers who are interested in developing an area known as the "Far West Area" approached SAWS (collectively referred to as the "Parties,") regarding the inadequacy of the wastewater infrastructure in the area to accommodate growth; and

**WHEREAS**, this area is generally located west of Loop 410 to the county line, and south of Highway 151 to the area around Highway 90, and is depicted on the map affixed to this Ordinance as Attachment A; and

**WHEREAS**, the Parties have developed a plan for the area that would best serve SAWS, the property owners and future development which may include the creation of special impacts fees for the Far West Area which either the subject developers or customers must pay in order to fund construction of the required if adopted, infrastructure and earn credits against the payment of impact fees; and

**WHEREAS**, SAWS staff worked with the development community, school districts, City of San Antonio, engineers, and other organizations to develop the Land Use Assumptions Plan, which projects wastewater demand growth for the entire county and focuses on the Far West area; and

**WHEREAS**, research indicates that growth throughout the SAWS service area will occur at the historical rate of about 2% per year and that growth is anticipated to be about 6% per year in the Far West area; and

**WHEREAS**, using the growth projected in the Land Use Assumptions Plan, SAWS staff, with assistance from developers and engineers, developed a Capital Improvements Plan that identifies the necessary infrastructure required to serve the new demand which includes a series of trunk lines, lift stations, force mains, and improvements to the Medio Creek Water Recycling Center, at an estimated total cost of \$47.9 million; and

**WHEREAS**, the Land Use Assumptions and Capital Improvements Plans have been developed and calculated in accordance with Chapter 395 of the Local Government Code and have been recommended for approval by the Capital Improvement Advisory Committee, the San Antonio Water System Board of Trustees, and the Planning Commission; and

**WHEREAS**, Chapter 395 of the Local Government Code also requires a notice of a public hearing to consider the approval of these Plans which must be set at least 30 days from the date of notice; and

**WHEREAS**, also pursuant to Chapter 395, once these Plans are adopted, an order or resolution must be adopted to set a public hearing on the imposition of impact fees, which must also give the public at least 30 days' notice; NOW THEREFORE:

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

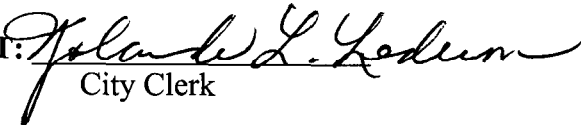
**SECTION 1.** A "Notice of Public Hearing on Land Use Assumptions and Capital Improvements Plans Relating to Possible Adoption of Impact Fees" to be held on June 3, 2004 at the City Council Chambers on the First Floor of the Municipal Plaza Building at 3:00 p.m. to consider the Land Use Assumptions and Capital Improvements Plans under which an Impact Fee may be imposed is hereby approved. In addition to the above information, the notice shall include a statement that any member of the public has the right to appear at the hearing and present evidence for or against the Land Use Assumptions and Capital Improvements Plans. This notice shall be published in the San Antonio Express News on or before Monday, May 3, 2004. Copies of those plans are attached hereto and incorporated herein as Attachment B.


KAM  
04/29/04  
Item No. 28

**SECTION 2.** This Ordinance becomes effective immediately upon passage by eight (8) affirmative votes.

**PASSED AND APPROVED** this 29<sup>th</sup> day of April, 2004.

  
**MAYOR**  
EDWARD D. GARZA

ATTEST:   
City Clerk

APPROVED:   
for City Attorney